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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,119	01/28/2004	Jung-Shih Chang	CHANG191	9723
1444	7590	09/21/2005	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			MACARTHUR, VICTOR L	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,119

Applicant(s)

CHANG, JUNG-SHIH

Examiner

Victor MacArthur

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 4, 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I – embodiment of the invention as shown in Figs. 1-11.

Species II – embodiment of the invention as shown in Figs. 12-16.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 3 and 5-7 generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

Art Unit: 3679

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

During a telephone conversation with Roger Browdy on 8/31/2005 a provisional election was made with traverse to prosecute Species I, figures 1-11 drawn to claims 1-3 and 5-8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 4, 9 and 10 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objections

Claim 2 is objected to because of the following informalities:

- The limitation “spherical peripheral wall” (line 3 of claim 2) should be replaced with substantially spherical peripheral wall to more accurately reflect that which is shown in the drawings.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3679

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Shoffner (U.S. Patent 1,099,670). Note that intended use limitations have been italicized.

Claim 1. Shoffner discloses (figs. 1-5) a jointer *for connecting two rod members*, said jointer comprising: a male connector (11) *for fastening to an end of one of the two rod members*; a female connector (1) connectable to said male connector *for fastening to an end of the other rod member*; wherein said female connector includes a longitudinally extended receiving chamber (chamber in 1 receiving 11) having an opening (large diameter opening at right end of 1), and a retaining element (23) protruded into said receiving chamber; wherein said male connector includes a plug member (11) having a free end (left free end of 11) and being insertable through said opening into said receiving chamber of said female connector, a guiding groove (17) longitudinally extended from said free end of the plug member for accommodating said retaining element upon insertion of said plug member into said receiving chamber, and a transverse locating groove (18) extended from a bottom end of said longitudinal guiding groove for receiving said retaining element upon rotation of said female connector relative to said male connector after insertion of said plug member into said receiving chamber of said female connector; wherein said transverse locating groove has a start point (where 18 is coincident with 17) integrally connected to the bottom end of said longitudinal guiding groove, and an end point (19); wherein said transverse locating groove has a width made gradually smaller from the start point toward the end point thereof (as shown in dotted lines in figure 2), and the end point of said transverse locating groove has a width smaller slightly than that of said retaining element.

Art Unit: 3679

Claim 2. Shoffner discloses the jointer as claimed in claim 1, wherein said female connector comprises a cylindrical connector body (body of 1) defining said receiving chamber therein and having a transverse through hole (hole in 1 receiving 23), which has a substantially spherical peripheral wall (in as much as the applicant's invention is), in which said retaining element is mounted such that said retaining element peripherally partially protrudes into said receiving chamber, and an end cap (20) capped on an end of said connector body and covered over said transverse through hole to hold down said retaining element in said transverse through hole.

Claim 5. Shoffner discloses the jointer as claimed in claim 1, wherein said female connector comprises an annular receiving portion (portion of 1 receiving 8) disposed in a bottom end thereof around the opening of said receiving chamber; said male connector comprises a mounting member (9) axially extended from said plug member and having a flange (8) connectable to said annular receiving portion of said female connector upon insertion of said plug member into said receiving chamber of said female connector.

Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Wurzbarger (U.S. Patent 2,230,098). Note that intended use limitations have been italicized.

Claim 1. Wurzbarger discloses (figs.1-6) a jointer *for connecting two rod members*, said jointer comprising: a male connector (8) *for fastening to an end of one of the two rod members*; a female connector (14) connectable to said male connector *for fastening to an end of the other rod member*; wherein said female connector includes a longitudinally extended receiving chamber (chamber in 14 receiving 8) having an opening (large diameter opening at left end of 14), and a

Art Unit: 3679

retaining element (15) protruded into said receiving chamber; wherein said male connector includes a plug member (8) having a free end (left free end of 8) and being insertable through said opening into said receiving chamber of said female connector, a guiding groove (9) longitudinally extended from said free end of the plug member for accommodating said retaining element upon insertion of said plug member into said receiving chamber, and a transverse locating groove (transverse portion of 9) extended from a bottom end of said longitudinal guiding groove for receiving said retaining element upon rotation of said female connector relative to said male connector after insertion of said plug member into said receiving chamber of said female connector; wherein said transverse locating groove has a start point (where corner of 9) integrally connected to the bottom end of said longitudinal guiding groove, and an end point (18); wherein said transverse locating groove has a width made gradually smaller from the start point toward the end point thereof (in that corner has a greater width than end point), and the end point of said transverse locating groove has a width smaller slightly than that of said retaining element (measured at head of 15).

Claim 6. Wurzbarger discloses the jointer as claimed in claim 1, wherein said female connector comprises a thread (thread receiving 6¹) extended around an outer periphery thereof *for fastening to said one of the two rod members*; said male connector comprises a mounting member (7) axially extended from said plug member and having a thread (thread receiving 6) extended around an outer periphery thereof *for fastening to said end of the other rod member*.

Claim 7. Wurzbarger discloses the jointer as claimed in claim 1, wherein said female connector comprises two said retaining elements (15) symmetrically disposed in said receiving chamber of said female connector at two sides; said male connector comprises two said

Art Unit: 3679

longitudinal guiding grooves (9) symmetrically formed on said plug member of said male connector at two sides.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wurzburger (U.S. Patent 2,230,098).

Claim 8. Wurzburger discloses the jointer as claimed in claim 1, wherein said female connector comprises two said retaining elements (15) equiangularly spaced in said receiving chamber of said female connector; said male connector comprises two said longitudinal guiding grooves (9) equiangularly formed on said plug member of said male connector. Wurzburger does not expressly disclose a third retaining element and groove. One of ordinary skill in the art would know that increasing retaining elements increases joint strength. It has generally been recognized that duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Wurzburger by duplication of parts such that there are three equiangularly spaced retaining elements and grooves, for the purpose of increasing joint strength, as such practice is a design consideration within the skill of the art.

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 3. Shoffner discloses the jointer as claimed in claim 1, wherein said transverse locating groove further comprises a recessed retaining portion (portion of 17 meeting 18) integrally connected to the end point thereof for receiving said retaining element, said recessed retaining portion having a depth (depth of 17) and width (corner to corner as seen in fig.2), wherein the width is relatively greater than the other part of said transverse locating groove. The prior art does not disclose that the depth of the recessed retaining portion is relatively greater than the other part of the transverse locating groove. Neither the prior art nor knowledge commonly available to one of ordinary skill in the art suggests any motivation or readily perceivable benefit to modify Shoffner to meet this limitation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Referring to jointers:

Cabana U.S. Patent 1,932,099

Davis U.S. Patent 3,851,601

Amico U.S. Patent 4,158,983

Neyret U.S. Patent 4,756,638

Art Unit: 3679

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085.

The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.



VLM
September 13, 2005



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